IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7786 OF 2004

Amit Janardhan Sawant, .. Petitioner.

Vs

1. The Municipal Corporation for
Gr.Mumbai and ors. .. Respondents

Mr.M.S.Menon, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 11th October, 2004.

PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the order dated 21.9.2002 passed by the City Civil Court, Bombay allowing the application of the third party to intervene in the suit holding that the third party claims to be a landlord and as such he is a necessary party in the suit. It is always open for the Court to add a person as defendant despite opposition of the plaintiff, if it finds it necessary to effectively and completely settle the matter in controversy and that its failure to do so will lead to multiplicity of proceedings. Keeping the settled position in law in view, I see no reason to

interfere in the order impugned in the instant writ petition under Article 227 of the Constitution. The writ petition is dismissed. Needless to state that allowing the application of the third party, who claims to be a landlord, does not mean that his status as landlord stands admitted by the petitioner. It is open for the petitioner to dispute his status as landlord.

(D.B.BHOSALE, J.)